



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1993

Mr. Jeff Hankins
Legal Assistant, Regulated Lines Section
Legal Services, 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR93-730

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID #22284.

The Texas Department of Insurance (the "department") has received an open records request for workers compensation information submitted to the department by specific insurers which provide workers compensation coverage to two entities. The department claims this information includes unit statistical reports which detail each claim by the type of employee, date of accident, and claim number. The department claims that this information is made confidential by section 552.112 and section 552.101 [formerly sections 3(a)(12) and 3(a)(1) of the act] in conjunction with V.T.C.S. articles 8308-2.31(a) and 8308-2.38. The department claims that it has made some of the requested information available and that it does not possess some of the information.²

Section 552.112(a) excepts from disclosure:

¹We note that the Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

²This office has previously held that under the act, a governmental body is not required to obtain information not in its possession if the governmental body does not have a special right of access to or ownership of such information. Open Records Decision No. 558 (1990).

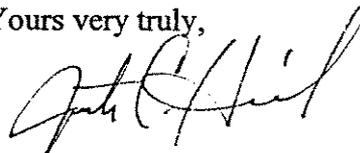
information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

In Open Records Decision No. 158 (1977), this office held that insurance companies are included in the term "financial institutions" for purposes of then section 3(a)(12) of the act. *Id.* at 5-6. (see enclosed).

The department states that the unit statistical reports are used by the department in regulating the insurance companies and based upon audits filed by the insurance companies prepared for the department. Thus, these reports are covered by section 552.112(a) and need not be disclosed under the act.³

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Juanita C. Hernandez
Special Assistant Attorney General
Open Government Section

JCH/rho

Ref.: ID# 22284
ID# 22378

Enclosures: Open Records Decision No. 158 (1977)
Submitted documents

cc: Ms. Jane O'Neil
Jenkins & Gilchrist
2200 One American Center
600 Congress Avenue
Austin, Texas 78701
(w/o enclosures)

³Since section 552.112 covers all of the submitted documents, we do not address in this ruling whether the department *is required to* withhold any of this information under section 552.101 as "information considered to be confidential by law" in conjunction with the workers compensation statutes.